

AMENDED IN SENATE JUNE 11, 2014

AMENDED IN SENATE AUGUST 20, 2013

AMENDED IN SENATE JULY 9, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

AMENDED IN ASSEMBLY MARCH 13, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 47

Introduced by Assembly Member Gatto

December 19, 2012

An act to add Section ~~653.01 to the Penal Code, relating to crimes:~~
~~8594.15 to the Government Code, relating to emergency services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 47, as amended, Gatto. ~~Emergency telephone system: abuse.~~
Emergency services: hit and run incidents.

Existing law authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies. Existing law requires a law enforcement agency to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person. Existing law also authorizes the issuance and coordination of a Blue Alert following an attack upon a law enforcement

officer or a Silver Alert relating to a person who is 65 years of age or older who is reported missing.

This bill would authorize a law enforcement agency to issue a Yellow Alert if a person has been killed or has suffered serious bodily injury due to a hit and run incident and the law enforcement agency has specified information concerning the suspect or the suspect's vehicle. The bill would require the California Highway Patrol to activate a Yellow Alert within the requested geographic area upon request if it concurs with the law enforcement agency that specified requirements are met.

~~Under existing law, any person who knowingly allows the use of, or who uses, the 911 telephone system for any reason other than because of an emergency is guilty of an infraction. Any person who uses the 911 telephone system with the intent to annoy or harass another person is guilty of a misdemeanor, punishable by a fine not exceeding \$1,000, by imprisonment in a county jail for not more than 6 months, or by both that fine and imprisonment.~~

~~This bill would make any person who calls the 911 telephone system to dispatch a police, sheriff, fire department, or emergency medical service personnel response to a residence or place of business where there is no emergency, with the intent to annoy or harass another person, and police, sheriff, fire department, or emergency medical service personnel are dispatched as a result of the call, guilty of a misdemeanor punishable by a fine not exceeding \$2,000, by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment. Under the bill, the person responsible for that call is guilty of an offense punishable by a fine not exceeding \$10,000, by imprisonment in a county jail not exceeding one year, or for 16 months, or 2 or 3 years, or by both that fine and imprisonment, if any person sustained great bodily injury as a result of conduct arising out of and in the course of the police, sheriff, fire department, or emergency medical service dispatch. The bill would define "annoy or harass" as knowing and willful conduct directed at a specific person, or his or her family members, that seriously alarms, annoys, torments, or terrorizes the person, or his or her family members, and that serves no legitimate purpose. This bill would require, upon conviction, that the person shall also be liable for all reasonable costs incurred by any unnecessary emergency response. This bill would exempt from its provisions telephone calls made in good faith. By increasing the penalty for an existing crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8594.15 is added to the Government Code,
2 to read:

3 8594.15. (a) For purposes of this section, “Yellow Alert”
4 means a notification system, activated pursuant to subdivision (b),
5 designed to issue and coordinate alerts with respect to a hit and
6 run incident resulting in the death or injury of a person as
7 described in Section 20001 of the Vehicle Code.

8 (b) (1) If a hit and run incident is reported to a law enforcement
9 agency, and that agency determines that the requirements of
10 subdivision (c) are met, the agency may request the California
11 Highway Patrol to activate a Yellow Alert. If the California
12 Highway Patrol concurs that the requirements of subdivision (c)
13 are met, it shall activate a Yellow Alert within the geographic area
14 requested by the investigating law enforcement agency.

15 (2) Radio, television, and cable and satellite systems are
16 encouraged, but are not required, to cooperate with disseminating
17 the information contained in a Yellow Alert.

18 (3) Upon activation of a Yellow Alert, the California Highway
19 Patrol shall assist the investigating law enforcement agency by
20 issuing a be-on-the-lookout alert, an Emergency Digital
21 Information Service message, or an electronic flyer.

22 (c) A law enforcement agency may request that a Yellow Alert
23 be activated if that agency determines that both of the following
24 conditions are met in regard to the investigation of the hit and run
25 incident:

26 (1) A person has been killed or has suffered serious bodily injury
27 due to a hit and run incident.

28 (2) The investigating law enforcement agency has additional
29 information concerning the suspect or the suspect’s vehicle,
30 including, but not limited to, any of the following:

- 1 (A) *The complete license plate number of the suspect's vehicle.*
2 (B) *A partial license plate number and the make, style, and color*
3 *of the suspect's vehicle.*
4 (C) *The identity of the suspect.*

5 SECTION 1. ~~Section 653.01 is added to the Penal Code, to~~
6 ~~read:~~

7 ~~653.01. (a) Any person who calls the 911 telephone system~~
8 ~~to dispatch a police, sheriff, fire department, or emergency medical~~
9 ~~service personnel response to a residence or place of business~~
10 ~~where there is no emergency, with the intent to annoy or harass~~
11 ~~another person and if police, sheriff, fire department, or emergency~~
12 ~~medical service personnel are dispatched as a result of the~~
13 ~~telephone call, is guilty of a misdemeanor punishable by a fine of~~
14 ~~not more than two thousand dollars (\$2,000), by imprisonment in~~
15 ~~a county jail for not more than one year, or by both that fine and~~
16 ~~imprisonment.~~

17 ~~(b) Any person who calls the 911 telephone system to dispatch~~
18 ~~a police, sheriff, fire department, or emergency medical service~~
19 ~~personnel response to a residence or place of business where there~~
20 ~~is no emergency, with the intent to annoy or harass another person~~
21 ~~and if police, sheriff, fire department, or emergency medical service~~
22 ~~personnel are dispatched and any person sustains great bodily~~
23 ~~injury as a result of conduct arising out of and in the course of the~~
24 ~~police, sheriff, fire department, or emergency medical service~~
25 ~~personnel being dispatched to the residence or place of business,~~
26 ~~is guilty of an offense punishable by a fine of not more than ten~~
27 ~~thousand dollars (\$10,000), by imprisonment in a county jail not~~
28 ~~exceeding one year, or, pursuant to subdivision (h) of Section~~
29 ~~1170, for 16 months, or two or three years, or by both that fine~~
30 ~~and imprisonment.~~

31 ~~(c) This section does not preclude punishment under any other~~
32 ~~law providing for greater punishment, including, but not limited~~
33 ~~to, involuntary manslaughter as defined in subdivision (b) of~~
34 ~~Section 192.~~

35 ~~(d) For purposes of this section, "emergency" means any~~
36 ~~condition in which emergency services will result in the saving of~~
37 ~~a life, a reduction in the destruction of property, quicker~~
38 ~~apprehension of criminals, or assistance with potentially~~
39 ~~life-threatening medical problems, a fire, a need for rescue, an~~

1 imminent potential crime, or a similar situation in which immediate
2 assistance is required.

3 ~~(e) For purposes of this section, “annoy or harass” means~~
4 ~~knowing and willful conduct directed at a specific person, or his~~
5 ~~or her family members, that seriously alarms, annoys, torments,~~
6 ~~or terrorizes the person, or his or her family members, and that~~
7 ~~serves no legitimate purpose.~~

8 ~~(f) Upon conviction of this section, a person shall also be liable~~
9 ~~for all reasonable costs, including property damage, incurred by~~
10 ~~an unnecessary police, sheriff, fire department, or emergency~~
11 ~~medical service personnel response.~~

12 ~~(g) This section shall not apply to telephone calls made in good~~
13 ~~faith.~~

14 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
15 ~~Section 6 of Article XIII B of the California Constitution because~~
16 ~~the only costs that may be incurred by a local agency or school~~
17 ~~district will be incurred because this act creates a new crime or~~
18 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
19 ~~for a crime or infraction, within the meaning of Section 17556 of~~
20 ~~the Government Code, or changes the definition of a crime within~~
21 ~~the meaning of Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~